



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2457 FAX (603) 271-7894



Ms. Jennifer Hand
Holiday Inn
1 Keewaydin Dr
Salem, New Hampshire 03079

LETTER OF DEFICIENCY
WMB PBF 02-73
October 29, 2002

Dear Ms. Hand:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On July 1, 2002, DES inspected the pool at the Holiday Inn, in Salem, NH ("the Pool"). During this inspection, the following deficiencies were noted:

1. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the renovated Pool located at the Holiday Inn, Salem, NH.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include a completed application for the unapproved Pool.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Amy Wilson for
COPY

Jody Connor
Limnology Center Director

Enclosure

Certified Mail # 7000 1670 0000 0585 9299

cc: ✓ Mark Harbaugh, Enforcement Attorney, DES
Amy Wilson, Public Bathing Facility Coordinator, DES
Brian A. Lockard, Health Officer, Town of Salem
Dawn Gagne, Holiday Inn, Salem
Jack Raitt, Quality Design Pools, Nashua

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